

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

YOLANDRA D. SMITH,

Plaintiff,

v.

FOUNDATION CARE LLC,

Defendant.

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Case No. 4:16-CV-01224-JCH

JOINT PROPOSED SCHEDULING PLAN

COME NOW the parties, by and through counsel, pursuant to the Court's September 28, 2016 Order [Doc. 14] and Federal Rule of Civil Procedure 16, and hereby submit the following Joint Proposed Scheduling Plan:

1. The parties believe the Track 2 Assignment is appropriate.
2. Disclosures pursuant to Federal Rule of Civil Procedure 26 shall be made by November 11, 2016.
3. Joinder of additional parties or amendment of pleadings should be completed no later than December 2, 2016.
4. Discovery shall commence immediately, and shall not be conducted in phases or limited to certain issues.
5. The parties believe that privileged and confidential information will be requested and exchanged during the course of this litigation, and thus intend to prepare and submit a Protective Order for the Court's consideration.
6. As to ESI, the parties agree to the following:

- a. The parties acknowledge that they each have an obligation to take reasonable and proportional steps to preserve discoverable information in the party's possession, custody or control.
- b. The parties agree that ESI shall be produced in native format or PDF format. If produced in PDF format, the parties agree that the receiving party may also request the documents in native format.
- c. Pursuant to Federal Rule of Evidence 502(d), any inadvertent disclosure of privileged information will not operate to waive any privilege of the subject matter or material, in this or any other federal or state proceeding, nor will it estop that party or the privilege holder from designating the information or document as privileged at a later date. The parties agree that if a privileged document is inadvertently produced, the receiving party must return it within seven (7) days of receiving a request as to such a document or the specific information contained therein.

7. The presumptive limits of 10 depositions per side and the presumptive limit of 25 interrogatories per party as set forth in Federal Rules of Civil Procedure 30(a)(2)(A) and 33(a) shall apply in this case.

8. At this time the parties do not believe that mental or physical examinations will be requested pursuant to Federal Rule of Civil Procedure 35.

9. Plaintiff shall disclose the identity of her expert witness(es), if any, and provide reports pursuant to Federal Rule of Civil Procedure 26(a)(2) no later than February 3, 2017 and such expert(s) shall be made available for deposition no later than March 3, 2017. Defendant shall disclose the identity of its expert witness(es), if any, and provide reports pursuant to Federal Rule

of Civil Procedure 26(a)(2) no later than April 3, 2017, and such expert(s) shall be made available for deposition no later than May 5, 2017.

10. Discovery shall be completed by May 5, 2017.

11. The parties believe that this matter may be appropriate for early neutral evaluation and/or mediation, and suggest such a referral would be most productive in the next 90 days.

12. Dispositive motions shall be filed no later than June 23, 2017.

13. The earliest date by which the case can reasonably be expected to be ready for trial is January 2018. The estimated length of time to try this case is 3 – 5 days.

Respectfully submitted this 13th day of October, 2016.

Law Office of James Robinson LLC

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